Supreme Court, U.S.
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No. 94-542

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1994

ALLIED-SIGNAL AEROSPACE COMPANY,
GARRETT ENGINE DIVISION AND
GARRETT AUXILIARY POWER DIVISION,

Petitioner,

v.

THE UNITED STATES, THE TORRINGTON COMPANY,
AND FEDERAL-MOGUL CORPORATION,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FEDERAL CIRCUIT

PETITIONER'S REPLY BRIEF AND APPENDICES N-O

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Pursuant to Rule 15.6 of the Rules of the United States Supreme Court, Petitioner Allied-Signal Aerospace Company, Garrett Engine Division and Garrett Auxiliary Power Division (hereafter "Allied-Signal")[1] hereby submits its Reply Brief in this matter. Allied-Signal petitioned for a writ of certiorari because in the underlying administrative review the International Trade Administration of the United States Department of Commerce (hereafter "ITA") departed from its long-standing best information available ("BIA") policy without supplying a reasoned explanation. The challenged determination, therefore, is not supported by substantial evidence on the record and should be remanded to the ITA for a proper determination. 19 U.S.C. § 1516a(b)(1)(B) (1988).

I. THE ITA HAD A LONG-STANDING BIA METHODOLOGY IN MULTIPLE-RESPONDENT ADMINISTRATIVE REVIEWS

Contrary to the Government's assertion in footnote 6 of its brief in opposition, the court of appeals' first opinion does expressly acknowledge that the ITA departed from its BIA policy covering multiple-respondent administrative reviews. App. E, pp. 33a-34a. Specifically, the court of appeals stated that:

> [t]he ITA departed from its prior BIA policy by employing, for the first time in its administrative review of antidumping duty orders covering antifriction bearings, a "two-tier BIA methodology."

Id. at p. 34a. In prior administrative reviews involving multiple respondents, the ITA consistently assigned as BIA to the nonresponsive parties the higher of 1) the highest rate calculated

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[1] Pursuant to Rule 29.1 of the Rules of this Court, Allied-Signal provided a list naming all parent companies and subsidiaries of each corporation involved in this proceeding in its Petition for a Writ of Certiorari filed on September 26, 1994. To the best of Allied-Signal's knowledge, the list provided in the Petition remains current and accurate.

in the current administrative review; or 2) the firm's own last rate. See App. N, pp. 161a-181a.[2] The ITA, itself, referred to this BIA methodology as a "long-standing practice," as well as "standard BIA policy." See, e.g., Certain Valves and Connections of Brass, for Use in Tire Protection Systems From Italy, 54 Fed. Reg. 40,155 (Dep't Comm. 1989) (final admin. rev.); Titanium Sponge From Japan, 55 Fed. Reg. 42,227 (Dep't Comm. 1990) (final admin. rev.); Television Receivers, Monochrome and Color, From Japan, 56 Fed. Reg. 5392 (Dep't Comm. 1991) (final admin. rev.). Moreover, the United States Court of International Trade ("CIT") has recognized this BIA methodology as standard practice. "When respondents are unwilling or unable to participate fully in a review, Commerce's policy is to utilize margins from the most recently determined duty rate as the best information available, without reexamining the accompanying record." Tai Yang Metal Indus. Co., Ltd. v. United States, 13 CIT 345, 350, 712 F. Supp. 973, 977 (1989) (emphasis added); see also Florex v. United States, 13 CIT 28, 33, 705 F. Supp. 582, 589 (1989). "Indeed, the agency's stated policy has been to choose as best information otherwise available either the highest rate calculated for a responding party or the rate previously calculated for that party when unresponsive." Manifattura Emmepi S.p.A. v. United States, 16 CIT 619, 624, 799 F. Supp. 110, 115 (1992).

Additionally, the final results of the second administrative review in Certain Fresh Cut Flowers From Colombia, involved the identical situation as in the challenged proceeding. Seven companies, which were not involved in the original less-than-fair-value ("LTFV") investigation, failed to cooperate with the ITA's second administrative review. These seven companies received,

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[2] This document is a synopsis of Department decisions applying BIA in administrative reviews covering multiple respondents which Allied-Signal attached to its Reply Brief before the CIT and included in its two appendices submitted to the United States Court of Appeals for the Federal Circuit. For ease of reference, Allied-Signal has consecutively labeled and numbered the appendices attached to this Reply Brief. Appendices A-M were submitted to the Court on September 26, 1994, along with Allied-Signal's Petition for a Writ of Certiorari.

as BIA, the highest margin calculated for the current review. Compare Certain Fresh Cut Flowers From Colombia, 56 Fed. Reg. 50,554 (Dep't Comm. 1991) (final admin. rev.), 55 Fed. Reg. 20,491 (Dep't Comm. 1990) (final admin. rev.), and 52 Fed. Reg. 6842 (Dep't Comm. 1987) (final LTFV det.).

Likewise, in Portable Electric Typewriters From Japan, through five separate review periods, the ITA assigned as BIA the highest margin calculated for the current review period. Neither of the uncooperative firms were involved in the original LTFV investigation, and one of these firms completely failed to respond to any of the ITA's requests for information. Compare Portable Electric Typewriters From Japan, 57 Fed. Reg. 13,076 (Dep't Comm. 1992) (final admin. rev.), 53 Fed. Reg. 40,926 (Dep't Comm. 1988) (final admin. rev.), and 45 Fed. Reg. 18,416 (Dep't Comm. 1980) (final LTFV det.).

The foregoing controlling settled precedent, along with that summarized in Appendix N, clearly establishes the long-standing BIA policy applied by the ITA in multiple-respondent administrative reviews prior to the challenged proceeding. Contrary to the Government's assertion in its opposition brief, the ITA departed from this controlling settled precedent, without explanation, in the challenged proceeding by applying for the first time a two-tier BIA methodology in a multiple-respondent administrative review. App. E, p. 34a. In the challenged proceeding, the ITA clearly failed to support its departure from the above cited BIA policy covering multiple respondents with a reasoned explanation. App. H, pp. 54a-66a and App. I, pp. 67a-83a. Additionally, the ITA's path may not be reasonably discerned from the administrative record. Id. Therefore, this Court's previous ruling that a court may "uphold [an agency's] decision of less than ideal clarity if the agency's path may reasonably be discerned," Bowman Transportation v. Arkansas-Best Freight Sys. Inc., 419 U.S. 281, 286 (1974), does not apply in this case.

In the contested proceeding, the ITA merely articulated its new two-tier BIA methodology without providing any explanation whatsoever for its abrupt decision to abandon its prior long-standing BIA policy for multiple-respondent administrative reviews. App. I, pp. 68a-69a. Neither the contested final administrative review determination, nor the remand redetermination, contain even a scintilla of analysis or explanation to justify the change made by the ITA. App. C, pp. 18a-21a, App. H, pp. 54a-66a, and App. I, pp. 67a-83a. Nor is there any indication of the basis upon which the ITA exercised its discretion with respect to the application of the new BIA methodology. Id. Thus, the ITA's rationale for departing from its long-standing BIA policy for multiple-respondent administrative reviews may not be reasonably discerned from the record.[3]

II. THE ITA HAS NEVER APPLIED ITS BIA METHODOLOGY ON A CASE-BY-CASE BASIS

In its response brief, the Government attempts to circumvent the need for a reasonable explanation by arguing that the two-tier BIA methodology was not contrary to the ITA's administrative practice because "the ITA's adoption of a two-tier methodology represented a codification of prior decisions made under a case-by-case rubric." Government's Opposition Brief at 10. This assertion collapses under the weight of the substantial body of ITA

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[3] At page 10 of its opposition brief, the Government states that the lower court was well equipped to understand the policy basis for the ITA's new two-tier methodology. To support this statement the Government cites to three pages from the court of appeals' first opinion, rather than to any pages from the actual administrative record. Further, the passage from the court of appeals' first opinion cited by the Government merely explains the mechanics of the ITA's new two-tier BIA methodology and explains why this new ITA policy is not punitive under the court's precedent. The passage relied upon, however, does not mention that the court understands why the ITA found it necessary to change its BIA policy. Nor does the court's opinion acknowledge that the ITA fully explained its departure from prior policy. Rather, the court's opinion merely acknowledges the ITA's departure from its prior BIA policy.

BIA precedent covering multiple-respondent administrative reviews. App. N, pp. 161a-181a. Additionally, this assertion fails because, as stated above, the ITA, itself, as well as its reviewing court, referred to its original BIA methodology for multiple-respondent administrative reviews as a "long-standing practice," as well as "standard BIA policy."

Furthermore, the ITA acknowledged, subsequent to publication of the challenged determination, that the two-tier BIA methodology is its "new policy for dealing with firms that refuse to cooperate with the [ITA] or otherwise significantly impede the proceedings." Clear Sheet Glass From Taiwan, 56 Fed. Reg. 44,075 (Dep't Comm. 1991) (final admin. rev.) (emphasis added). Indeed, an examination of the ITA's determinations issued subsequent to the challenged proceeding reveals that the ITA continues to apply the two-tier BIA methodology in multiple-respondent administrative reviews. See App. O, which is a list of all multiple-respondent administrative review determinations issued by the ITA subsequent to the challenged determination in which the ITA applied total BIA to determine a respondent's dumping margin.[4] Prior to the challenged proceeding, the ITA applied the BIA policy summarized in Appendix N. Subsequent to the challenged proceeding, the ITA has applied the new two-tier BIA policy as indicated by the cases identified in Appendix O. Contrary to the court of appeals' decision, this is precisely the type of unexplained "change in course" prohibited by this Court in Motor Vehicle Mfrs. Ass'n of the United States, Inc. v. State Farm Mutual Auto. Ins. Co., 463 U.S. 29 (1983).

Despite this fact, the Government attempts, but fails, to support the position that "the ITA has long emphasized the importance of case-specific inquiry," Government Brief at 8, by citing to three administrative review determinations by the ITA.

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[4] The large number of cases listed in Appendix O defeats the Government's assertion that this case involves solely a fact-specific issue. See Government's Brief at 7. The ITA's adoption of the two-tier methodology as its new BIA policy affects every multiple-respondent review currently conducted by the ITA.

Notably, two of these administrative reviews were completed subsequent to the challenged proceeding. Thus, the Government's statement that the ITA's determination is consistent with precedent is simply incorrect. Specifically, Brass Sheet and Strip was published almost one year after the challenged proceeding, and is inapplicable because it involved only one respondent throughout the administrative proceedings.[5] Brass Sheet and Strip From Sweden, 57 Fed. Reg. 29,278 (Dep't Comm. 1992) (final admin. rev.). Moreover, the ITA cited to the two-tier BIA methodology applied in the challenged proceeding to support its BIA application in Brass Sheet and Strip. 57 Fed. Reg. at 29,279.

Likewise, Replacement Parts was published two months after the challenged proceeding, and involved only one respondent throughout the administrative proceedings. Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada, 56 Fed. Reg. 47,451 (Dep't Comm. 1991) (final admin. rev.). Because the ITA completed both of these proceedings subsequent to the challenged proceeding, neither supports the Government's position that the two-tier BIA methodology is consistent with the ITA's precedent.

Finally, although Steel Jacks is the only cited precedent published previous to the challenged proceeding, Steel Jacks is inapplicable to the issue before this Court. The review in Steel Jacks covered "the only known manufacturer" of the subject merchandise. Steel Jacks From Canada, 52 Fed. Reg. 32,957 (Dep't Comm. 1987) (final admin. rev.). Thus, it is not a review involving multiple respondents and has no precedential value for the application of BIA in multiple-respondent reviews.

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[5] It should be noted that what is at issue in this matter is the ITA's BIA policy applied in multiple-respondent administrative reviews. The BIA policy applied by the ITA in single-respondent administrative reviews differs from that applied in multiple-respondent administrative reviews. The ITA's BIA policy for single-respondent administrative reviews is not at issue and was never challenged by Petitioner in the underlying proceeding. Likewise, the BIA policy applied by the ITA in original LTFV investigations is not at issue in this matter.

III. THE ITA DID NOT HAVE A STANDARD PRACTICE OF USING, AS BIA, THE "ALL OTHERS" RATE FROM THE ORIGINAL LTFV INVESTIGATION

The Government also attempts, but fails, to support the position that the ITA "had in previous cases used as BIA the 'all others' rate from an LTFV investigation when it determined that circumstances warranted selection of such a rate" by citing to three ITA administrative review determinations. Government's Opposition Brief at 8 & n.5. All three of these proceedings are distinguishable from the case before this Court. Thus, all three proceedings fail to support the Government's position that the ITA had any past practice of using the "all others" rate from original LTFV investigations as BIA in subsequent administrative reviews.

The Government's reliance on Certain Iron Construction Castings from Brazil, 55 Fed. Reg. 26,238 (Dep't Comm. 1990) (final admin. rev.), fails to support the Government's position in this matter because the determination did not apply the same BIA policy that is at issue in this appeal. What the Government does not reveal is that in Certain Iron Construction Castings from Brazil the ITA applied its partial BIA policy to the respondent. At issue in this appeal is the ITA's assigning of a total BIA rate to the respondent. Thus, Certain Iron Construction Castings from Brazil does not support the Government's position before this Court.

Likewise, the Government's reliance upon Certain Internal-Combustion, Industrial Forklift Trucks from Japan, 56 Fed. Reg. 23,675 (Dep't Comm. 1991) (prelim. admin. rev.) (hereafter "Forklift Trucks from Japan"), fails to support the notion that the ITA had a past practice of applying the "all others" LTFV rate as total BIA. See Government's Brief at 8. The Government primarily relies upon the ITA's preliminary determination in Forklift Trucks from Japan to support its position apparently because the ITA published the Forklift Trucks from Japan final determination after adoption of the challenged two-tier BIA methodology. Government's Brief at 8 n.5. The Government,

however, overlooks the fact that the ITA adopted the two-tier BIA methodology in the preliminary determination of the challenged proceeding, which the ITA published two months prior to the Forklift Trucks from Japan preliminary determination relied upon by the Government. Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, 56 Fed. Reg. 11,178 (Dep't Comm. 1991) (prelim. admin. rev.). Forklift Trucks from Japan does not support the notion that the ITA had a past practice of using the "all others" LTFV rate as BIA in subsequent administrative reviews. Rather, Forklift Trucks from Japan merely reiterates the unlawful policy that the ITA had already adopted in the preliminary results of the challenged proceeding.

Finally, the Government's reliance on Bicycle Tires and Tubes from Taiwan; Final Results of Antidumping Duty Administrative Review, 51 Fed. Reg. 43,752 (Dep't Comm. 1986) (hereafter "Bicycle Tires from Taiwan"), is misplaced. This case is the only case provided by the Government that is contrary to the ITA's long-standing policy of assigning the highest margin calculated in the administrative review as a BIA rate. An examination of the final determination, however, reveals why the ITA made an exception to its long-standing policy. The ITA's final determination shows that two respondents were subject to the administrative review, i.e., Kenda Rubber and Li Hsin. Bicycle Tires from Taiwan, 51 Fed. Reg. 43,752. Kenda Rubber received the calculated de minimis margin of 0.02%. Id. "Since the margin for Kenda is less than 0.50 percent and therefore de minimis for cash deposit purposes, the [ITA] waives the deposit requirement for that firm." Id. Thus, because the only calculated margin in the administrative review was de minimis, the ITA could not reward Li Hsin's failure to cooperate by applying the de minimis margin as BIA for Li Hsin's margin. See Rhone Poulenc, Inc. v. United States, 899 F.2d 1185 (Fed. Cir. 1990). Further, this was the first administrative review of the subject antidumping duty order. Because Li Hsin did not participate in the original LTFV investigation, the ITA had no choice but to make an exception to its standard BIA policy in multiple-respondent

administrative reviews by applying, as BIA, the "all others" rate from the original LTFV investigation.

This exception, however, does not apply in the case currently before this Court. The challenged determination contains several calculated rates that are not de minimis. App. H, p. 61a. Accordingly, there would be no reason for the ITA to depart from its standard BIA policy in multiple-respondent administrative reviews to adopt the single exception identified in Bicycle Tires from Taiwan. Thus, the Government's reliance on this case is clearly misplaced.

Finally, the Government mistakenly relies upon Serampore Indus. Pvt. v. U.S. Dep't of Commerce, 12 CIT 825, 826-828, 696 F. Supp. 665, 667-668 (1988) to support the use of the "all others" rate. Government's Brief at 3 n.2. The CIT recognized that while the "all others" rate may be necessary for duty deposit purposes, "any shipper who requests an administrative review . . . will receive an individual margin, and, at least for purposes of assessment, will not be covered by the all others rate." Serampore, 12 CIT at 827, 696 F. Supp. at 668 (emphasis added).

IV. CONCLUSION

In the challenged proceeding, the ITA should have followed the standard BIA policy and precedent for multiple-respondent administrative reviews. App. N. This policy and precedent required the ITA to assign the highest margins calculated in the underlying administrative review as the BIA rates applicable to SNFA. Id. The ITA, however, abruptly, and without any notice, departed from its policy and precedent to adopt a new two-tier BIA methodology. The ITA failed to support in any manner whatsoever its departure from the BIA policy and precedent cited above. App. C, pp. 18a-21a, App. H, pp. 54a-66a and App. I, pp. 67a-83a. Additionally, the ITA's path may not be reasonably discerned from the administrative record. Id. Consequently, the ITA's final determination is unsupported by substantial evidence

in the record and is otherwise not in accordance with law. Motor Vehicle Mfrs. Ass'n, 463 U.S. 29; Atchison, Topeka, 412 U.S. 800. By ignoring the standard established by these two decisions, the court of appeals clearly decided a federal question of administrative law in a manner that directly conflicts with applicable decisions of this Court, as well as those of several circuit courts of appeal. That being the case, granting Allied-Signal's petition is appropriate pursuant to the Rules of this Court.

For all the reasons set forth herein, as well as in Allied-Signal's Petition for a Writ of Certiorari, Allied-Signal respectfully requests that this Court issue a writ of certiorari to review the judgment of the Court of Appeals for the Federal Circuit.

Respectfully submitted,

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APPENDIX

APPENDIX N

Steel Wire Rope from Japan, 47 Fed. Reg. 53,084 (Dep't Comm. 1982) (prelim. admin. rev.).

> Ten firms failed to respond and three firms provided inadequate responses. For these firms, the Department used as BIA the most recent rate for each firm or the highest rate among all responding firms with shipments in the latest period subject to this review, whichever was higher.

Fish Netting of Man-Made Fibers from Japan, 47 Fed. Reg. 57,546 (Dep't Comm. 1982) (revised prelim. admin. rev.).

> Forty-four firms failed to respond or provided inadequate responses. For these firms the Department assigned BIA rates. The best information available generally is the highest rate for responding firms in each period of non-response or the most recent previous rate for each non-responding firm, whichever is higher.

Metal-Walled Above Ground Swimming Pools from Japan, 48 Fed. Reg. 23,291 (Dep't Comm. 1983) (prelim. admin. rev.).

> One third-country reseller provided an inadequate response, thus, the Department used BIA. The best information available is the highest rate for responding firms with shipments in each period for which the non-responding firm had shipments.

Television Receiving Sets, Monochrome and Color, from Japan, 48 Fed. Reg. 37,506 (Dep't Comm. 1983) (prelim. admin. rev.).

> Six exporters did not respond, thus, the Department used BIA. Since none of these firms were investigated during the original fair value investigation and there are no previously issued assessment instructions ("master lists") for the firms, the best information available is the highest rate for responding firms with shipments during the current review period.

Fish Netting of Man-Made Fibers from Japan, 48 Fed. Reg. 43,210 (Dep't Comm. 1983) (final admin. rev.).

> Comment 9: Several importers challenged the Department's BIA methodology for non-responsive firms. They requested that the Department use the highest rate for responding firms with shipments during the period of review. "The Department establishes a new 'best information' rate for each period of time it reviews. A company which is first unresponsive in one period will be assigned the rate for assessments in that period and for deposit of estimated antidumping duties in the subsequent period. If the company continues to be unresponsive in periods subsequent to the first period, it will receive its previous rate or a new best information rate if the latter is higher than its previous rate. The Department recognizes no unfairness in this procedure when applied to sales by companies which do not cooperate in our reviews."

Elemental Sulfur from Canada, 48 Fed. Reg. 53,592 (Dep't Comm. 1983) (final admin. rev.).

> Comment 2: The Department will use the best information available for any non-responsive firm. That information is a prior rate for the firm or the highest current rate for any responding firm with shipments, whichever is higher. The rate used as best information available in this case was the highest current rate. For previous years, we used the highest current respondent rate for the particular calendar year.

Steel Wire Rope from Japan, 48 Fed. Reg. 54,528 (Dep't Comm. 1983) (prelim. admin. rev.).

> Twenty-nine firms failed to respond and eight provided inadequate responses, thus, the Department used BIA. The best information available is the most recent rate for each firm or the highest rate among all responding firms with shipments in the period, whichever is higher.

Stainless Steel Plate from Sweden, 49 Fed. Reg. 1922 (Dep't Comm. 1984) (prelim. admin. rev.).

> One third-country reseller failed to respond, thus, the Department used BIA. The best information available for the first period of review is the highest rate in that period for responding firms with shipments. The best information available for the second period of review is the most recent rate for that firm, i.e. the same rate.

Fish Netting of Man-Made Fibers from Japan, 49 Fed. Reg. 18,339 (Dep't Comm. 1984) (final admin. rev.).

> Comment 1: Several importers challenged the Department's BIA methodology for non-responsive firms. "Use of prior rates for non-responsive firms ignores current market conditions. Use of prior rates also may force importers to file law suits after each review on the correctness of the same prior rate." The Department responded that "the Department has consistently applied its best information standards since the creation of the section 751 reviews in 1980. As stated in the final results of the last administrative review of this case, the Department recognizes no unfairness in its use of its best information standards when applied to sales by companies which do not cooperate in our reviews."

Tuners (of the Type Used in Consumer Electronic Products) from Japan, 49 Fed. Reg. 25,652 (Dep't Comm. 1984) (prelim. admin. rev.).

> Seventeen firms failed to respond or provided inadequate responses; the Department could not locate three firms. For these 20 firms the Department used BIA. The best information available is the highest rate for responding firms with shipments during the applicable period.

Steel Wire Rope from Japan, 49 Fed. Reg. 36,120 (Dep't Comm. 1984) (prelim. admin. rev.).

> Twenty-six firms failed to respond or provided inadequate responses, and one firm declined

> verification. For these 27 firms the Department used BIA. The best information available is the most recent rate for each firm or the highest rate among responding firms with shipments in the period, whichever is higher.

Polyvinyl Chloride Sheet and Film from Taiwan, 49 Fed. Reg. 36,897 (Dep't Comm. 1984) (prelim. admin. rev.).

> Sixteen firms failed to respond or provided inadequate responses, thus, the Department used BIA. The best information available is the highest rate for responding firms with shipments.

Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada, 51 Fed. Reg. 30,685 (Dep't Comm. 1986) (prelim. admin. rev.).

> For those non-responsive firms the Department used the best information available for assessment and estimated antidumping duties cash deposit purposes. The best information available is either the most recent rate for that firm or the highest rate for responding firms in this review. One firm failed to provide an adequate response; two firms did not respond.

Color Television Receivers, Except for Video Monitors, from Taiwan, 51 Fed. Reg. 37,317 (Dep't Comm. 1986) (prelim. admin. rev.).

> One firm failed to respond, thus, the Department calculated FMV based on BIA. The best information available was the highest rate for responding firms. Another firm failed to provide

information covering certain sales to the first U.S. unrelated purchaser. BIA was used for these sales. The best information available was the highest rate for responding firms.

Bicycle Speedometers from Japan, 51 Fed. Reg. 41,363 (Dep't Comm. 1986) (prelim. admin. rev.).

One firm failed to respond. The Department used the best information available for assessment and estimated antidumping duty cash deposit purposes for that firm. The best information available is the highest rate for any responding firm with shipments in this review.

Color Television Receivers, Except for Video Monitors, from Taiwan, 51 Fed. Reg. 46,895 (Dep't Comm. 1986) (final admin. rev.).

Comment 44: The information submitted by RCA is not germane to the review period, is based on estimates and was submitted too late to be considered in this review. RCA originally failed to respond to the Department's questionnaire regarding sales to related customers. We have continued to use the best information available, the highest rate of responding firms, in our final results.

Replacement Parts for Self-Propelled Bituminous Paving Equipment from Canada, 52 Fed. Reg. 9904 (Dep't Comm. 1987) (prelim. admin. rev.).

Two firms did not respond to the questionnaire. For these non-responsive firms, the Department

used the best information available for assessment and estimated antidumping duties cash deposit purposes. The best information available is either the most recent rate for the firm or the highest rate for any responding firm with shipments in this review.

Neoprene Laminate from Japan, 52 Fed. Reg. 36,295 (Dep't Comm. 1987) (final admin. rev.).

Petitioner argued that, "but for the penal nature of the application of best information otherwise available, there is little incentive for a foreign manufacturer with low margins to cooperate in the administrative review process." The Department rejected this argument: "Unless the facts of a case indicate otherwise, the Department generally uses for best information available for a non-responsive firm the higher of (1) that firm's prior rate, or (2) the highest rate for any responsive firm during the period of review. Thus, contrary to petitioner's argument, there is an incentive for a firm with an initial low rate to cooperate in future antidumping annual reviews. For this review, the petitioner provided no evidence to support its allegation that the prior rate for respondent does not represent the best information available. Therefore, consistent with past practice, we conclude that the prior rate does constitute the best information available."

Certain Welded Carbon Steel Pipe and Tube Products from Turkey, 53 Fed. Reg. 17,741 (Dep't Comm. 1988) (prelim. admin. rev.).

> Because one firm did not respond to the Department's questionnaire, we used the best information available, which is the highest rate for responding firms with shipments during the period.

Portable Electric Typewriters from Japan, 53 Fed. Reg. 20,353 (Dep't Comm. 1988) (prelim. admin. rev.).

> One firm did not respond, and two other firms did not respond adequately. Therefore, for these three firms we have used the best information available for assessment and estimated antidumping duties cash deposit purposes. The best information available is the highest rate for a responding firm during each review period, or the prior rate for the non-responding firm, whichever is higher.

Certain Welded Carbon Steel Pipe and Tube Products from Turkey, 53 Fed. Reg. 39,632 (Dep't Comm. 1988) (final admin. rev.).

> One firm did not respond. Therefore, for this firm, we used the best information available, which is the highest rate for responding firms with shipments during the period. Comment 7 indicates an attempt by this firm to cooperate by submitting balance sheets and summarized sales information which the Department did not consider to be an adequate response to the questionnaire.

Portable Electric Typewriters from Japan, 53 Fed. Reg. 40,926 (Dep't Comm. 1988) (final admin. rev.).

> Comment 11: One firm failed to timely submit U.S. sales data for the period of review. The Department used as BIA the highest weighted-average margin found to exist during the review period to the late-submitted purchase price sales.

Tapered Roller Bearings Four Inches or Less in Outside Diameter and Certain Components Thereof from Japan, 54 Fed. Reg. 12,938 (Dep't Comm. 1989) (prelim. admin. rev.).

> Best information otherwise available was the highest rate for a responding firm for this period.

Certain Iron Construction Castings from India, 54 Fed. Reg. 32,366 (Dep't Comm. 1989) (prelim. admin. rev.).

> Six firms failed to respond. For these six firms, we used the highest rate for responding firms as best information available for assessment and cash deposit purposes.

Certain Valves and Connections, of Brass, for Use in Fire Protection Systems from Italy, 54 Fed. Reg. 40,155 (Dep't Comm. 1989) (final admin. rev.).

> It has been a longstanding practice of the Department, where questionnaire responses are inadequate, to use as best information available the company's rate from the prior administrative review or the highest rate among responding firms in the current review, whichever is higher. No

> firm submitted an adequate response for this review. Since the Giacomini/Ganbrook rate calculated for the prior review was based on Giacomini's prices for export to the United States, the Department deems it appropriate to use that rate as the best information available. Furthermore, the rate from the prior review for Giacomini's sales not made through Ganbrook was zero. If the Department were to assign a rate of zero to exporters who fail to respond or respond inadequately to the Department's requests for information, such exporters could, after making no sales at less than fair value for just one year, then dump with impunity in subsequent years.

Roller Chain, Other Than Bicycle, from Japan, 55 Fed. Reg. 26,240 (Dep't Comm. 1990) (prelim. admin. rev.).

> Because of the magnitude of the omissions and deficiencies in Takasago's responses and because Takasago failed to respond to the Department's deficiency letter, the Department used the best information available in accordance with section 776(c) of the Act. As the best information available, the Department used the highest rate calculated for a respondent in this administrative review. The Department adopted this BIA rate for two other companies with deficient responses.

Roller Chain, Other Than Bicycle, from Japan, 55 Fed. Reg. 26,243 (Dep't Comm. 1990) (prelim. admin. rev.).

> Same approach as above.

Tapered Roller Bearings Four Inches or Less in Outside Diameter and Certain Components Thereof from Japan, 55 Fed. Reg. 38,720 (Dep't Comm. 1990) (final admin. rev.).

> Comment 66: The Department's use of best information otherwise available depends, in part, on the degree of deficiency of a party's response. Where a party's response is so seriously deficient that the Department cannot calculate a dumping margin, we generally use the highest rate for a responding firm during the same review. If, on the other hand, there are only minor or occasional omissions in a party's response, the Department may use partial best information otherwise available and apply it only to those omissions. In this case, the firm's original response was seriously deficient, and the firm failed to respond to the supplemental questionnaire. Thus, the Department had no choice but to use the highest rate of another party, because we lacked the necessary information to conduct our analysis.
>
> Comment 68: Respondent argued that the Department should have used either the margins of the most similarly situated parties in the proceeding or the respondent's margin from the preceding review period. "Applying margins from a preceding review period would encourage a lack of response if a company's margin from the preceding review period was low." Therefore, for this respondent the Department applied the highest margin of a responding firm as best information otherwise available.
>
> Comment 70: Respondent, a reseller, argued that the Department should apply the margins of the two other resellers as the most accurate source of best information available. "Because Nissan's

dumping margin was de minimis, to apply that rate as best information otherwise available would have rewarded Isuzu for failing to respond to the Department's questionnaires. Because Toyota did not fully respond to our questionnaire, we used best information otherwise available."

Pressure Sensitive Plastic Tape from Italy, 55 Fed. Reg. 41,263 (Dep't Comm. 1990) (prelim. admin. rev.).

Only one respondent made shipments during the review period and the Department assigned it BIA. "In deciding what to use as best information available, 19 CFR 353.37(b) provides that the Department may take into account whether a party refused to provide requested information. Thus, the Department determines on a case-by-case basis what is best information available. When a company refuses to provide the information requested in the form required, or otherwise significantly impedes the Department's review, the Department assigns to that company the higher margin for the subject merchandise of either (1) the highest margin calculated for that company in any previous review; or (2) the highest calculated margin for any respondent within that country that supplied adequate responses. When a company has cooperated with the Department's request for information but fails to provide the information requested in a timely manner or in the form required, the Department may assign the affected company the highest margin assigned that company in any previous review. Because NAR attempted to cooperate, but failed to provide an adequate questionnaire response in a timely manner, we used the highest calculated margin for that firm from all past reviews, 6.39%.

Titanium Sponge from Japan, 55 Fed. Reg. 42,227 (Dep't Comm. 1990) (final admin. rev.).

> Comment 1: It is the Department's longstanding practice in conducting administrative reviews to use BIA when a firm fails to respond to the dumping questionnaire or submits an inadequate response. In such circumstances, it is also departmental practice to base BIA on the higher of the company's own previous rate or the highest rate calculated for a responding firm in the current review. Since Toho was the only responding firm, the Department used Toho's rate as the BIA rate for Showa during the third review. Once we apply BIA, we do not delve into whether the basis of the rate is comparable to the other company's experience. We determined that use of the Toho rate was consistent with past practice.

Roller Chain, Other than Bicycle, from Japan, 55 Fed. Reg. 42,602 (Dep't Comm. 1990) (final admin. rev.).

> Takasago Comment 1: In this case, the evidence on the record calls for use of the highest rate calculated for another respondent as a best information available rate for Takasago in the administrative review. The Department's application of best information available to calculate Takasago's dumping margin is reasonable and justified, because Takasago's original responses and deficiency response contain serious deficiencies that render them wholly inadequate for use in calculating dumping margins.

> Two firms failed to respond adequately -- as best information available, the Department used the highest rate calculated for a responding company in the review -- 17.57% vs. 1.36% and 0.07% for other three respondents.

Roller Chain, Other Than Bicycle, from Japan, 55 Fed. Reg. 42,608 (Dep't Comm. 1990) (final admin. rev.).

> Same language as above.

Television Receivers, Monochrome and Color, from Japan, 56 Fed. Reg. 5392 (Dep't Comm. 1991) (final admin. rev.).

> Comment 27: As BIA, the Department applied Fujitsu's eighth review rate to Matsushita for the ninth, tenth and eleventh reviews. Matsushita failed to respond because its entries and sales for these periods were de minimis. Fujitsu's eighth review rate substantially exceeded all of Matsushita's prior review rates.
>
> "Therefore, in determining the appropriate BIA in a particular case, we evaluate the adequacy of the information in the administrative record and the degree of a respondent's cooperation during the proceeding. In a case such as this, where the respondent unequivocally declined to respond to our request for information, our policy is to use the higher of (a) the highest rate for responding firms with shipments during the period or (b) that firm's own last rate. We could not apply the first option because there were no firms either with shipments during the ninth period, or that provided adequate responses to our questionnaire.

Therefore, we substituted the prior period (8) for the current period (9) in implementing this standard BIA policy. This results in our using Fujitsu's eighth review rate as BIA. We believe, moreover, that this is an appropriate rate because it will serve to encourage future compliance with our requests for information."

Comment 28: Both the statute and the regulations afford the Department great discretion in administering the BIA rule, based on the individual circumstances of each proceeding. When a firm has been cooperative, but is unable to provide certain information, we often use BIA for the missing information. In such cases, we select information that is probative of the firm's current economic condition. However, our standard practice, when a firm is uncooperative and we apply an overall BIA rate, is to select BIA with the purpose of inducing future cooperation by respondents. This need to induce future cooperation renders the reasons for a firm's refusal to submit data irrelevant, even if, as several firms argue in this case, those refusals are based on rational business decisions.

Portable Electric Typewriters from Japan, 56 Fed. Reg. 14,080 (Dep't Comm. 1991) (prelim. admin. rev.).

Canon declined to respond. The Department used as BIA the highest rate for a responding firm for the period of review.

Roller Chain, Other Than Bicycle, from Japan, 56 Fed. Reg. 23,680 (Dep't Comm. 1991) (prelim. admin. rev.).

> Three firms provided inadequate responses. As BIA the Department used the highest rate calculated for a responding firm in this review, 5.72%.

Portable Electric Typewriters from Japan, 56 Fed. Reg. 27,732 (Dep't Comm. 1991) (final admin. rev.).

> Same result as preliminary administrative review results for Canon (see above).

Color Television Receivers, Except for Video Monitors, from Taiwan, 56 Fed. Reg. 31,378 (Dep't Comm. 1991) (final admin. rev.) **[NOTE: THIS FINAL ADMINISTRATIVE REVIEW WAS PUBLISHED THE DAY BEFORE PUBLICATION OF THE AFBs FINAL ADMINISTRATIVE REVIEW NOTICE].**

> Four companies failed to respond. "We therefore used the best information available, which was either the highest rate among respondent firms in this review, or the subject firm's most recent margin, whichever was higher." The Department assigned the highest rate calculated for the review, 10.82%.

Roller Chain from Japan, 56 Fed. Reg. 32,175 (Dep't Comm. 1991) (final admin. rev.). **[NOTE: THIS REVIEW, CONCLUDED SUBSEQUENT TO AFBs, APPLIES THE DEPARTMENT'S LONG-STANDING POLICY CONSISTENTLY UTILIZED PRIOR TO AFBs IN ADMINISTRATIVE REVIEWS COVERING MULTIPLE RESPONDENTS. THE DEPARTMENT USED THE SAME RATIONALE FOR APPLYING THIS BIA POLICY AS THAT RELIED UPON BY THE GOVERNMENT IN THE CASE CURRENTLY BEFORE THIS COURT TO SUPPORT THE TWO-TIER PUNITIVE BIA POLICY].**

> All five companies received the BIA rate of 15.92% for the two review periods covered. "Because we cannot compel a respondent to provide information, our only recourse with an uncooperative respondent is to use BIA in accordance with section 776(c) of the Tariff Act." See Pistachio Group. The statute authorizes the Department to select BIA in a given case based upon the particular circumstances of that case. [citations omitted] Section 353.37 of the Department's regulations also states that "if an interested party refuses to provide factual information requested by the Secretary, the Secretary may take that into account in determining what is best information available." In this respect, the implementing regulations may be viewed as "an investigative tool, which the agency may wield as an informal club over recalcitrant parties or persons whose failure to cooperate may work against their best interest." See Atlantic Sugar. As the CAFC stated in Rhone Poulenc, the rule "effectively induces importers to comply with agency questionnaires, an important practical consideration as the ITA has no subpoena power." Therefore, in determining the appropriate BIA rate in a particular case, we

evaluate the adequacy of the information in the administrative record and the degree of a respondent's cooperation during the proceeding. In this case, the respondent unequivocally declined on several occasions, to respond to our requests for additional information. In such cases, it is our policy to use the higher of (a) the highest rate for a responding firm with shipments during the period or (b) that firm's own last rate. As BIA, we used the 15.92 percent rate which was the rate for Takasago Chain/Royal Industries in the 1981-82 review period (the first period of review at issue here for the five non-responding firms). For the 1982-83 review period, we used each firm's own last rate, i.e., the BIA rate applied for the 1981-82 period.

Fishnetting of Man-made Fibers from Japan, 56 Fed. Reg. 33,246 (Dep't Comm. 1991) (prelim. admin. rev.).

Five firms failed to respond to the Department's requests for additional information. "In deciding what to use as best information available, § 353.37(b) of the Department's regulations provides that the Department may take into account whether a party fails to provide requested information. When a company fails to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department generally assigns to that company the higher of: (a) The highest rate for a responding firm with shipments during the period or (b) the highest rate for that company for any previous review or the original investigation. In this case, we assigned non-responding companies their highest rate from prior reviews -- 4.99, 7.17 and 18.30.

Color Television Receivers, Except for Video Monitors, from Taiwan, 56 Fed. Reg. 36,765 (Dep't Comm. 1991) (prelim. admin. rev.).

> Four firms failed to respond. For those firms, we used the best information available (BIA), which was the highest margin among respondent firms in the relevant period, or the subject firm's most recent margin, whichever was higher.

Portable Electric Typewriters from Japan, 56 Fed. Reg. 37,335 (Dep't Comm. 1991) (prelim. admin. rev.).

> Two firms failed to respond. "When a company fails to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department generally assigns to that company the higher of: (a) The highest rate for a responding firm with shipments during the period or (b) the highest rate for that company for any previous review or the original investigation. In this case, we assigned non-responding companies their highest rate from prior reviews."

Drycleaning Machinery from Germany, 56 Fed. Reg. 38,112 (Dep't Comm. 1991) (prelim. admin. rev.).

> One of two firms failed to respond. As BIA, the Department used 6.00 percent, the highest rate in this review, which was higher than any of the firm's prior rates.

Color Television Receivers, Except for Video Monitors, from Taiwan, 56 Fed. Reg. 41,162 (Dep't Comm. 1991) (correction to prelim. admin. rev. published at 56 Fed. Reg. 36,765).

> No response was filed. We, therefore, used the best information available, which was either the highest rate among respondent firms in the relevant review, or the subject firm's most recent margin, whichever was higher.

Certain Fresh Cut Flowers from Colombia, 56 Fed. Reg. 50,554 (Dep't Comm. 1991) (final admin. rev.).

> Certain affected importers argued that the Department should not use Choconta's rate as BIA because its response was patently erroneous. They requested the Department to use the highest rate of any company that submitted a coherent, credible response. "The Department has used the highest non-BIA rate from an administrative review of this order as our BIA rate for non-responding firms. In this case, the highest calculated rate is that of Choconta from this review. The use of Choconta's rate is more than reasonable given the absence of cooperation from affected firms, who chose not to submit any response, be it credible, coherent or otherwise."

Brass Sheet and Strip from the Federal Republic of Germany, 56 Fed. Reg. 60,087 (Dep't Comm. 1991) (final admin. rev.).

> One of five firms failed to respond. For this firm, the Department used BIA for assessment and cash deposit purposes. We determined the BIA to

be the highest rate for a responding firm during this review period -- 19.59%.

Color Television Receivers, Except for Video Monitors, from Taiwan, 56 Fed. Reg. 65,218 (Dep't Comm. 1991) (final admin. rev.).

No response was filed. We, therefore, used the best information available, which was either the highest rate among respondent firms with shipments in the relevant review, or the subject firm's most recent margin, whichever was higher.

Portable Electric Typewriters from Japan, 57 Fed. Reg. 13,076 (Dep't Comm. 1992) (final admin. rev.).

These results go back to the Department's final administrative review published on October 19, 1988. One firm did not respond and another failed to adequately respond. Consequently, for these firms we have used the best information available (BIA) for assessment and estimated antidumping duty cash deposit purposes. BIA is the highest rate for a responding firm during each review period, or the highest prior rate for the non-responding firms, whichever is higher.

APPENDIX O

Chrome-Plated Lug Nuts From Taiwan, 59 Fed. Reg. 56,541 (Dep't Comm. 1994) (final admin. rev.)

Certain Iron Construction Castings From Canada, 59 Fed. Reg. 40,866 (Dep't Comm. 1994) (prelim. admin. rev.)

Color Television Receivers From the Republic of Korea, 59 Fed. Reg. 17,086 (Dep't Comm. 1994) (prelim. admin. rev.)

Iron Construction Castings From Canada, 59 Fed. Reg. 65 (Dep't Comm. 1994) (prelim. admin. rev.)

Chrome-Plated Lug Nuts From Taiwan, 59 Fed. Reg. 7981 (Dep't Comm. 1994) (prelim. admin. rev.)

Certain Fresh Cut Flowers From Colombia, 59 Fed. Reg. 15,159 (Dep't Comm. 1994) (final admin. rev.)

Polyethylene Terephthalate Film, Sheet, and Strip From Japan, 59 Fed. Reg. 9960 (Dep't Comm. 1994) (prelim. admin. rev.)

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan, 59 Fed. Reg. 2594 (Dep't Comm. 1994) (amended final admin. rev.)

Tapered Roller Bearings, Four Inches or Less in Diameter, and Components Thereof, From Japan, 59 Fed. Reg. 56,035 (Dep't Comm. 1994) (final admin. rev.)

Silicon Metal From Brazil, 59 Fed. Reg. 42,806 (Dep't Comm. 1994) (final admin. rev.)

Iron Construction Castings From Canada, 59 Fed. Reg. 25,603 (Dep't Comm. 1994) (final admin. rev.)

Potassium Permanganate From the People's Republic of China, 59 Fed. Reg. 26,625 (Dep't Comm. 1994) (final admin. rev.)

Color Television Receivers From the Republic of Korea, 59 Fed. Reg. 40,519 (Dep't Comm. 1994) (final admin. rev.)

Color Television Receivers From the Republic of Korea, 59 Fed. Reg. 13,700 (Dep't Comm. 1994) (final admin. rev.)

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Singapore, Sweden, Thailand, and the United Kingdom, 59 Fed. Reg. 9463 (Dep't Comm. 1994) (prelim. admin. rev.)

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, Thailand, and the United Kingdom, 58 Fed. Reg. 39,729 (Dep't Comm. 1993) (final admin. rev.)

Silicon Metal From Argentina, 58 Fed. Reg. 44,499 (Dep't Comm. 1993) (prelim. admin. rev.)

Color Television Receivers From the Republic of Korea, 58 Fed. Reg. 52,262 (Dep't Comm. 1993) (prelim. admin. rev.)

Sweaters Wholly or in Chief Weight of Man-Made Fiber From Korea, 58 Fed. Reg. 63,920 (Dep't Comm. 1993) (prelim. admin. rev.)

Sweaters Wholly or in Chief Weight of Man-Made Fiber From Hong Kong, 58 Fed. Reg. 63,917 (Dep't Comm. 1993) (prelim. admin. rev.)

Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan, 58 Fed. Reg. 69,336 (Dep't Comm. 1993) (prelim. admin. rev.)

Sweaters Wholly or in Chief Weight of Man-Made Fiber From Taiwan, 58 Fed. Reg. 63,913 (Dep't Comm. 1993) (prelim. admin. rev.)

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan and Tapered roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan, 58 Fed. Reg. 51,058 (Dep't Comm. 1993) (prelim. admin. rev.)

Color Television Receivers From the Republic of Korea, 58 Fed. Reg. 50,333 (Dep't Comm. 1993) (final admin. rev.)

Fishnetting of Man-Made fiber From Japan, 58 Fed. Reg. 42,291 (Dep't Comm. 1993) (final admin. rev.)

Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, From Japan, 58 Fed. Reg. 30,018 (Dep't Comm. 1993) (final admin. rev.)

Portable Electric Typewriters From Japan, 58 Fed. Reg. 32,513 (Dep't Comm. 1993) (prelim. admin. rev.)

Porcelain-on-Steel Cooking Ware From Mexico, 58 Fed. Reg. 32,095 (Dep't Comm. 1993) (final admin. rev.)

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, 58 Fed. Reg. 25,606 (Dep't Comm. 1993) (prelim admin. rev.)

Certain Fresh Cut Flowers From Colombia, 58 Fed. Reg. 65,329 (Dep't Comm. 1993) (prelim. admin. rev.)

Fresh and Chilled Atlantic Salmon From Norway, 58 Fed. Reg. 65,333 (Dep't Comm. 1993) (prelim. admin. rev.)

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan, 58 Fed. Reg. 64,720 (Dep't Comm. 1993) (final admin. rev.)

Potassium Permanganate From The People's Republic of China, 58 Fed. Reg. 69,330 (Dep't Comm. 1993) (prelim. admin. rev.)

Roller Chain, Other Than Bicycle, From Japan, 57 Fed. Reg. 46,535 (Dep't Comm. 1992) (final admin. rev.)

Certain Small Business Telephone Systems and Subassemblies Thereof From Taiwan, 57 Fed. Reg. 29,283 (Dep't Comm. 1992) (final admin. rev.)

Antifriction Bearings (Other Than Tapered Roller Bearings) 57 Fed. Reg. 28,360 (Dep't Comm. 1992) (final admin. rev.)

Certain Iron Construction Castings From the People's Republic of China, 57 Fed. Reg. 24,245 (Dep't Comm. 1992) (final admin. rev.)

Cotton Shop Towels From the People's Republic of China, 57 Fed. Reg. 21,229 (Dep't Comm. 1992) (prelim. admin. rev.)

Color Television Receivers, Except for Video Monitors, From Taiwan, 57 Fed. Reg. 20,241 (Dep't Comm. 1992) (final admin. rev.)

Porcelain-on-Steel Cooking Ware From the People's Republic of China, 57 Fed. Reg. 15,058 (Dep't Comm. 1992) (prelim. admin. rev.)

Red Raspberries From Canada, 57 Fed. Reg. 13,331 (Dep't Comm. 1992) (prelim. admin. rev.)

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, 57 Fed. Reg. 10,859 (Dep't Comm. 1992) (prelim. admin. rev.)

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Japan, 57 Fed. Reg. 10,868 (Dep't Comm. 1992) (prelim. admin. rev.)

Cotton Shop Towels From the People's Republic of China, 57 Fed. Reg. 10,881 (Dep't Comm. 1992) (prelim. admin. rev.)

Certain Iron Construction Castings From the People's Republic of China, 57 Fed. Reg. 10,644 (Dep't Comm. 1992) (final admin. rev.)

Color Television Receivers From Korea, 57 Fed. Reg. 7730 (Dep't Comm. 1992) (prelim. admin. rev.)

Roller Chain, Other Than Bicycle, From Japan, 57 Fed. Reg. 6808 (Dep't Comm. 1992) (final admin. rev.)

Certain Iron Castings From the People's Republic of China, 57 Fed. Reg. 6709 (Dep't Comm. 1992) (prelim. admin. rev.)

Certain Internal-Combustion, Industrial Forklift Trucks From Japan, 57 Fed. Reg. 3167 (Dep't Comm. 1992) (final admin. rev.)

Color Television Receivers, Except for Video Monitors, From Taiwan, 57 Fed. Reg. 555 (Dep't Comm. 1992) (prelim. admin. rev.)

Certain Stainless Steel Cooking Ware From Korea, 57 Fed. Reg. 22,458 (Dep't Comm. 1992) (prelim. admin. rev.)

Cotton Shop Towels From the People's Republic of China, 57 Fed. Reg. 30,466 (Dep't Comm. 1992) (final admin. rev.)

Fishnetting of Man-Made Fibers From Japan, 57 Fed. Reg. 29,467 (Dep't Comm. 1992) (prelim. admin. rev.)

Certain High-Capacity Pagers From Japan, 57 Fed. Reg. 49,685 (Dep't Comm. 1992) (final admin. rev.)

Roller Chain, Other than Bicycle, From Japan, 57 Fed. Reg. 43,697 (Dep't Comm. 1992) (final admin. rev.)

Cotton Shop Towels From the People's Republic of China, 57 Fed. Reg. 43,695 (Dep't Comm. 1992) (final admin. rev.)

Red Raspberries From Canada, 57 Fed. Reg. 49,686 (Dep't Comm. 1992) (final admin. rev.)

Drycleaning Machinery From Germany, 56 Fed. Reg. 66,838 (Dep't Comm. 1991) (final admin. rev.)

Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Certain Components Thereof, From Japan, 56 Fed. Reg. 65,228 (Dep't Comm. 1991) (final admin. rev.)

Shop Towels of Cotton From The People's Republic of China, 56 Fed. Reg. 60,969 (Dep't Comm. 1991) (final admin. rev.)

Brass Sheet and Strip From the Federal Republic of Germany, 56 Fed. Reg. 60,087 (Dep't Comm. 1991) (final admin. rev.)

Certain Small Business Telephone Systems and Subassemblies Thereof From Taiwan, 56 Fed. Reg. 57,613 (Dep't Comm. 1991) (prelim. admin. rev.)

Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, From Japan, 56 Fed. Reg. 57,513 (Dep't Comm. 1991) (prelim. admin. rev.)

Portable Electric Typewriters From Japan, 56 Fed. Reg. 56,393 (Dep't Comm. 1991) (final admin. rev.)

Roller Chain, Other Than Bicycle, From Japan, 56 Fed. Reg. 56,401 (Dep't Comm. 1991) (final admin. rev.)

Fishnetting of Man-made Fibers From Japan, 56 Fed. Reg. 49,456 (Dep't Comm. 1991) (final admin. rev.)

Clear Sheet Glass From Taiwan, 56 Fed. Reg. 44,075 (Dep't Comm. 1991) (final admin. rev.)

Roller Chain, other than Bicycle, From Japan, 56 Fed. Reg. 63,708 (Dep't Comm. 1991) (prelim. admin. rev.)

Color Television Receivers, Except for Video Monitors, From Taiwan, 56 Fed. Reg. 41,162 (Dep't Comm. 1991) (prelim. admin. rev.)

Industrial Phosphoric Acid From Israel, 56 Fed. Reg. 33,248 (Dep't Comm. 1991) (final admin. rev.)

Drycleaning Machinery From Germany, 56 Fed. Reg. 38,112 (Dep't Comm. 1991) (prelim. admin. rev.)

Portable Electric Typewriters From Japan, 56 Fed. Reg. 37,335 (Dep't Comm. 1991) (prelim. admin. rev.)

Certain Iron Construction Castings From the People's Republic of China, 56 Fed. Reg. 37,074 (Dep't Comm. 1991) (prelim. admin. rev.)

Fishnetting of Man-made Fibers From Japan, 56 Fed. Reg. 33,246 (Dep't Comm. 1991) (prelim. admin. rev.)

Industrial Phosphoric Acid From Israel, 56 Fed. Reg. 67,059 (Dep't Comm. 1991) (prelim. admin. rev.)